DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: New York District FILE NUMBER: 2001-01500 DATE OF DETERMINATION: June 2, 2005 PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) N Date: At the project site Date: December 4, 2001 (Y/N)PROJECT LOCATION INFORMATION: New York State: Rensselaer County: Center coordinates of site by latitude & longitude coordinates: lat:42-34-54.8760 lon:73-41-15.7200 Approximate size of site/property (including uplands) in acres 37.31 Name of waterway or watershed: Unnamed tributary 10-25 ac 25-50 ac Type of Aquatic Resource¹: 0-1 ac 1-3 ac 3-5 ae 5-10 ae > 50 ac Unknown Linear Feet Lake River Stream Mudflat Sandflat Wetlands 0.33 Slough Prairie Pothole Wet Meadow Playa Lake Vernal Pool Natural Pond Other Water (identify type) Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Kn	own	If Unknown Use Best Professional Judgment						
	Yes	No	Predicted to Oceur	Not Expected to Occur	Not Able to Make Determination				
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			Х						
Is or would be used as habitat by other migratory birds that cross state lines?			Х						
Is or would be used as habitat for endangered species?	_				Х				
Is used to irrigate crops sold in interstate commerce?					X				

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved X

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate eommerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

CENAN-OP-R APPLICATION NO. 2001-01500

1. Site Conditions:
Total acreage of site: 37.31 The jurisdictional waters on site consist of (check as many as are appropriate): Pond Lake X_ Stream X_ Wetlands* Tidal Waters Other (identify type): * If wetlands are present, indicate Cowardin classification: PEM, PFO, PSS Total acres of jurisdictional waters on site: 2.95. Position of jurisdictional waters in landscape and watershed: Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): Comprised of mature deciduous forested uplands, secondary successional upland, and Palustrine emergent, forested, and scrub/shrub wetlands. Consists of primarily abandoned fallow land.
2. Rationale Used To Determine NJD:
Isolated, intra-state water #1 (If more than one water, copy entire section for each) The NJD aquatic resources on site consist of (check as many as are appropriate): PondLakeStream X_Wetlands*Tidal WatersOther (identify type): * If wetlands are present, indicate Cowardin classification: PEM,PSS Acres of this NJD aquatic resource within property: 0.22 Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features): Depressional wetland that collects drainage from the surrounding upland. No discernable inlet or outlet was observed. The wetland is approximately 780 feet from a jurisdictional wetland. The aquatic resource X is is not located completely within the project site. The aquatic resource is X is not connected to waters of the U.S. by a surface channel underground culvert other means (identify) by which water could flow between the two: The aquatic resource is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.
Isolated, intra-state water #2 (If more than one water, copy entire section for each) The NJD aquatic resources on site consist of (check as many as are appropriate): Pond Lake Stream X Wetlands* Tidal Waters Other (identify type): *If wetlands are present, indicate Cowardin classification: PFO.PSS Acres of this NJD aquatic resource within property: 0.10 Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in clevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features): Depressional wetland that collects drainage from the surrounding upland and the two adjacent road surfaces. No discernable inlet or outlet was observed. The wetland is approximately 540 feet from a jurisdictional wetland. The aquatic resource X is is not located completely within the project site. The aquatic resource is X is not connected to waters of the U.S. by a surface channel underground culvert other means (identify) by which water could flow between the two: The aquatic resource is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.
Isolated, intra-state water #3 (If more than one water, copy entire section for each) The NJD aquatic resources on site consist of (check as many as are appropriate): Pond Lake Stream X_ Wetlands* Tidal Waters Other (identify type): * If wetlands are present, indicate Cowardin classification: PEM Acres of this NJD aquatic resource within property: 0.01 Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features): Depressional wetland that collects drainage from the surrounding upland. No discernable inlet or outlet was observed. The wetland is approximately 510 feet from a jurisdictional wetland. The aquatic resource X is is not located completely within the project site. The aquatic resource is X is not connected to waters of the U.S. by a surface channel underground culvert other means (identify) by which water could flow between the two: The aquatic resource is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:				,	New Yo	ork District								
FILE NUMBER:					2003-01365									
DATE OF DETERMINATI	ON:				June 7, 2005									
PROJECT REVIEW/DETE	PROJECT REVIEW/DETERMINATION COMPLETED:							N	Date:					
1100201 112 112 117		1011 0021	- 22122	•		offiee (Y/N)		- '						
		At the project site (Y/N)			Y	Date: August 31, 2004								
PROJECT LOCATION IN	FORMAT	ION:												
State:					New York									
County:						Dutch	ess							
Center coordinates of s	site by lati	tude & long	gitude coo	ordin	dinates: lat:41-33-10.0080 lon:73-57-38.0160									
Approximate size of si	te/property	y (including	uplands)	in a	acres	186.6								
Name of waterway or	watershed	:				Hudso	n Riv	ег						
Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-	10 ac	10-25 ac	25-	50 ac	> 50 ac	Linear Feet	Unknown			
Lake														
River														
Stream														
Mudflat														
Sandflat														
Wetlands	0.58													
Slough														
Prairie Pothole														
Wet Meadow														
Playa Lake														
Vernal Pool														
Natural Pond														
Other Water (identify type)														
¹ Check appropriate boxes that non-jurisdictional aquatic res			f isolated	l, no	n-navig	gable, intra-s	tate w	ater p	resent and b	est estimate	for size of			
Migratory Bird Rule Factors				lf Kı	nown				If Unknow	/n				
							U	se Bes	t Profession:	al Judgmen	t			
			Ye	es	No	1	Predicted 1 to Occur		Expected Occur	Not Able to Make Determination				
Is or would be used as habita Migratory Bird Treaties?	at for bird	s protected	by			X		_						
Is or would be used as habita	at by other	migratory				X								

Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved X

birds that cross state lines?

species?

Is or would be used as habitat for endangered

Is used to irrigate erops sold in interstate commerce?

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

X

CENAN-OP-R APPLICATION NO. 2003-01365

1. Site Conditioπs: Undeveloped
Total aereage of site: 186.8 acres The jurisdictional waters on site consist of (check as many as are appropriate): X_ Pond Lake _X_ Stream _X_ Wetlands* Tidal Waters Other (identify type): * If wetlands are present, indicate Cowardin classification: PF01, PEM, PSS, PUB Total acres of jurisdictional waters on site: 35.59 acres. Position of jurisdictional waters in landscape and watershed: Located adjacent to the Hudson River.
Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.):
2. Rationale Used To Determine NJD:
Isolated, intra-state water # B The NJD aquatic resources on site consist of (check as many as are appropriate): Pond Lake Stream X_ Wetlands* Tidal Waters Other (identify type): * If wetlands are present, indicate Cowardin classification: PF01 Acres of this NJD aquatic resource within property: 0.07 acres Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features): No visible surface water connection was noted entering or exiting this area, and is approximately 110 feet from Wetland AW. The aquatic resource X_ is is not located completely within the project site. The aquatic resource is X_ is not connected to waters of the U.S. by X_ a surface channel X_ underground culvert other means (identify) by which water could flow between the two: The aquatic resource is X_ is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributal system.
Isolated, intra-state water # E The NJD aquatic resources on site consist of (check as many as are appropriate): Pond Lake Stream X_ Wetlands* Tidal Waters Other (identify type): * If wetlands are present, indicate Cowardin classification: PF01 Acres of this NJD aquatic resource within property: 0.09 acres Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features): No visible surface water connection was noted entering or exiting this area. This area is a small depression banked up against North River Road. The aquatic resource X_ is is not located completely within the project site. The aquatic resource is X_ is not connected to waters of the U.S. by X_ a surface ehannel X_ underground culvert other means (identify) by which water could flow between the two: The aquatic resource is X_ is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributar system.
Isolated, intra-state water # F The NJD aquatic resources on site consist of (check as many as are appropriate): Pond Lake Stream X_ Wetlands* Tidal Waters Other (identify type): * If wetlands are present, indicate Cowardin classification: PF01, PUB Acres of this NJD aquatic resource within property: 0.42 acres Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features): No visible surface water connection was noted entering or exiting this areas. Uplands are located between this wetland and Wetland AW, approximately 150 feet to the east, and Wetland H, approximately 500 feet to the north. The aquatic resource X_ is is not located completely within the project site. The aquatic resource is X_ is not connected to waters of the U.S. by X_ a surface channel X_ underground culvert other means (identify) by which water could flow between the two: The aquatic resource is X_ is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributar system.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:					New Yo	rk District							
FILE NUMBER: 2004-00511													
DATE OF DETERMINATION	ATE OF DETERMINATION: June 20, 2005												
PROJECT REVIEW/DETE	RMINAT	ION COM	1PLETE	D:	In the	office (Y/N)	ľ	Ÿ	Date:				
					At the project site Y Date: 6/8/04, 12/9/04 (Y/N)								
PROJECT LOCATION INF State: County: Center coordinates of s Approximate size of sit Namc of waterway or v Type of Aquatic Resource ¹ :	ite by latit	tude & lor (includin	_	s) in a		12.4	ectady	outar	lon:73-52-23 y > 50 ac	8.9920 Linear Feet	Unknown		
Lake										1 001			
River													
Stream													
Mudflat													
Sandflat													
Wetlands	0.12												
Slough													
Prairie Pothole													
Wet Meadow													
Playa Lake				 									
Vernal Pool										,			
Natural Pond				<u> </u>							· · · · · · · · · · · · · · · · · · ·		
Other Water (identify type)													
¹ Check appropriate boxes tha non-jurisdictional aquatic res			of isolat	ed, no	n-naviga	able, intra-st	ate wat	ег рг	esent and be	est estimate	for size of		
Migratory Bird Rule Factors ¹				If K	nown				If Unknow				
				Yes					Professiona				
					No	Predict to Occ	l l	•		Not Able to Make Determination			
Is or would be used as habita Migratory Bird Treatics?				X									
Is or would be used as habita birds that cross state lines?	t by other	migratory	′	X									
Is or would be used as habita species?		_							X				
Is used to irrigate crops sold	in intersta	te comme	гсе?		X								
¹ Check appropriate boxes that jurisdictional, isolated, non-national						f the Migra	tory Bir	d Rı	ile to apply	to onsite, n	on-		

TYPE OF DETERMINATION: Preliminary Or Approved X

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

CENAN-OP-R APPLICATION NO. 2004-00511

1. Site Conditions:
Total acreage of site:12.4 The jurisdictional waters on site consist of (check as many as are appropriate): Pond LakeX_ StreamX_ Wetlands* Tidal Waters Other (identify type): * If wetlands are present, indicate Cowardin classification: _PFO/PSS Total acres of jurisdictional waters on site:2.23 Position of jurisdictional waters in landscape and watershed: Wetlands are associated with a tributary system to the Mohawk River Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.):Undisturbed, forested land surrounded by residential development
2. Rationale Used To Determine NJD:
Isolated, intra-state water # 1 The NJD aquatic resources on site consist of (check as many as are appropriate): PondLakeStream _X_Wetlands*Tidal WatersOther (identify type): * If wetlands are present, indicate Cowardin classification: _PFO Acres of this NJD aquatic resource within property:0.02 Description of the position of the aquatic resource in the landseape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features): _The wetland is approximately 125 feet from the nearest waters of the United States, the soils, hydrology and vegetative community are similar to that of the jurisdictional waters on the site. No direct hydrologic connection was observed between the wetland and oth waters of the United States. The aquatic resource _X_ is is not located completely within the project site. The aquatic resource _ is _X_ is not connected to waters of the U.S. by a surface channel underground culvert other means (identify) by which water could flow between the two: The aquatic resource is _X_ is not a wetland eonsidered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.
Isolated, intra-state water # 2 The NJD aquatic resources on site consist of (check as many as are appropriate): Pond Lake Stream _X_ Wetlands* Tidal Waters Other (identify type): * If wetlands are present, indicate Cowardin elassification:PFO Acres of this NJD aquatic resource within property:0.01 Description of the position of the aquatic resource in the landseape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features): _The wetland is approximately 100 feet from the nearest waters of the United States, the soils, hydrology and vegetative community are similar to that of the jurisdictional waters on the site. No direct hydrologic connection was observed between the wetland and oth waters of the United States. The aquatic resourceX_ is is not located completely within the project site. The aquatic resource is _X_ is not connected to waters of the U.S. by a surface channel underground culvert other means (identify) by which water could flow between the two: The aquatic resource is _X_ is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

CENAN-OP-R APPLICATION NO. 2004-00511

Isolated, intra-state water # 3
The NJD aquatic resources on site consist of (check as many as are appropriate):
Pond Lake Stream X Wetlands* Tidal Waters Other (identify type):
* If wetlands are present, indicate Cowardin classification: PSS
Acres of this NJD aquatic resource within property:0.09
Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest
waters of the U.S., differences in vegetative communities, soil types or hydrologic features):
The wetland is approximately 50 feet from the nearest waters of the United States, the soils, hydrology and vegetative community are
similar to that of the jurisdictional waters on the site. No direct hydrologic connection was observed between the wetland and other
waters of the United States.
The aquatic resource X is is not located completely within the project site.
The aquatic resource is _X_ is not connected to waters of the U.S. by a surface channel
underground culvert other means (identify) by which water could flow between the two:
The aquatic resourceis _X_ is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary
system

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

			-	OIG	O. L.	1 4 2 2 1	LLIND					
DISTRICT OFFICE:					New	/ Yorl	k District					
FILE NUMBER:					2004	1-009	19					
DATE OF DETERMINATI	ON:				Jun							
PROJECT REVIEW/DETE	APLI	ETED:	In	the of	ffice (Y/N))	N	Date:				
TROUBET RECEIVED	THOUSE THE TEMPERATURE TO THE TEMPERATURE THE TEMPERATURE TO THE TEMPERATURE TO THE TEMPERATURE TO THE TEMPE						roject site		Y	Date: Aug	us+ 7.4 700	4
					(Y/	-	roject site	-	1	Date. Aug	ust 24, 200	7
PROJECT LOCATION INI	FORMAT	ION:										
State:							New Y	ork.				
County:							Orange	e				
Center coordinates of s	ite by lati	tude & lor	ngitud	de coor	dinates	5:	_		.5560	lon:74-26-2	7.8160	
Approximate size of si	te/property	y (includin	g upl	lands) i	in acre	s	72.64					
Name of waterway or	watershed	:					Unnan	ned T	ributar	у		
Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5	5 ac	5-10 a	ıc	10-25 ac	25-	50 ac	> 50 ac	Linear Feet	Unknown
Lake												
River								,				
Stream												
Mudflat												
Sandflat												
Wetlands												
Slough												
Prairie Pothole				ľ								
Wet Meadow												_
Playa Lake												
Vernal Pool	0.06											
Natural Pond												
Other Water (identify type)												
¹ Check appropriate boxes tha non-jurisdictional aquatic res			of is	olated,	non-na	avigat	ole, intra-si	tate w	ater p	resent and be	est cstimate	for size of
Migratory Bird Rule Factors		_		If	Know	n				If Unknow	n	
								U	se Bes	t Professiona	ıl Judgmeni	t
				Yes	;	No	Predict to Oec			Expected Occur	Not Able to Make Determination	
Is or would be used as habita Migratory Bird Treaties?	at for bird	s protected	l by				Х	,				
Is or would be used as habita	it by other	r migratory					X					
birds that cross state lines?	J	5										
Is or would be used as habita species?	it for enda	angered								X		
Is used to irrigate crops sold	in intersta	ate comme	rce?			Х						

TYPE OF DETERMINATION: Preliminary Or Approved X

jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-

CENAN-OP-R APPLICATION NO. 2004-00919

1. Site Conditions:											
Total acreage of site: 72.64											
The jurisdictional waters on site consist of (check as many as are appropriate): Pond Lake _X _Stream _X _ Wetlands* Tidal Waters Other (identify type):											
* If wetlands are present, indicate Cowardin classification: PFO, PEM											
Total acres of jurisdictional waters on site: 15.74											
Position of jurisdictional waters in landscape and watershed:											
Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.):											
2. Rationale Used To Determine NJD:											
Isolated, intra-state water # 1 (C)											
The NJD aquatic resources on site consist of (check as many as are appropriate):											
Pond Lake Stream X Wetlands* Tidal Waters Other (identify type):											
* If wetlands are present, indicate Cowardin classification: PFO											
Acres of this NJD aquatic resource within property: 0.06											
Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest											
waters of the U.S., differences in vegetative communities, soil types or hydrologic features):											
Wetland located approximately 100 feet from nearest waters of U.S. with no hydrologic connection.											
The aquatic resource X is _ is not located completely within the project site.											
The aquatic resource $\underline{\hspace{0.2cm}}$ is $\underline{\hspace{0.2cm}}$ is not connected to waters of the U.S. by $\underline{\hspace{0.2cm}}$ a surface channel											
underground culvert other means (identify) by which water could flow between the two:											
The aquatic resource $\underline{}$ is $\underline{}$ is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary											
system.											

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: New York District FILE NUMBER: 2004-00894 DATE OF DETERMINATION: June 30, 2005 PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) N Date: At the project site Y Date: September 14, 2005 (Y/N) PROJECT LOCATION INFORMATION: State: New York County: Saratoga Center coordinates of site by latitude & longitude coordinates: lat:42-59-34.0080 lon:73-49-55.9920 Approximate size of site/property (including uplands) in acres 99.765 Name of waterway or watershed: Unnamed Tributary to Drummond Creek Type of Aquatic Resource¹: 0-1 ac 1-3 ac 3-5 ac 5-10 ac 10-25 ae 25-50 ac > 50 ac Linear Unknown Feet Lake River Stream Mudflat Sandflat Wetlands 1.29 Slough Prairie Pothole Wet Meadow Playa Lake Vernal Pool Natural Pond Other Water (identify type) ¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area. Migratory Bird Rule Factors1 If Known If Unknown Use Best Professional Judgment Predicted Not Expected Not Able to Make Yes No to Occur to Occur Determination Is or would be used as habitat for birds protected by X Migratory Bird Treaties? Is or would be used as habitat by other migratory Х birds that cross state lines? X Is or would be used as habitat for endangered species? X Is used to irrigate crops sold in interstate commerce? ¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-

TYPE OF DETERMINATION: Preliminary Or Approved X

jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

CENAN-OP-R APPLICATION NO. 2004-00894

ADDITIONAL INFORMATION SUPPORTING NJD

system.

1. Site Conditions:
Total acreage of site: 99.765 acres
The jurisdictional waters on site consist of (check as many as are appropriate):
XX Pond _ Lake XX Stream XX Wetlands* _ Tidal Waters _ Other (identify type):
* If wetlands are present, indicate Cowardin classification: PFO/PEM
Total agrees of jurisdictional waters on site: 22.963
Position of jurisdictional waters in landscape and watershed:
The jurisdictional waters on the site consist of groundwater slope wetlands and a pond contiguous with various intermittent tributaries
to Drummond Creek and Mourning Kill, and are located along broad swales in between upland ridges within the headwaters of
Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.):
Most of the site is currently, or has historically been in agricultural use.
2. Rationale Used To Determine NJD:
Isolated, intra-state water #1 (Wetlands W-6)
The NJD aquatic resources on site eonsist of (check as many as are appropriate):
_ Pond _ Lake _ Stream XX Wetlands* _ Tidal Waters _ Other (identify type):
* If wetlands are present, indicate Cowardin classification: PEM
Aeres of this NJD aquatic resource within property: 0.150
Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest
waters of the U.S., differences in vegetative communities, soil types or hydrologic features):
Wetlands W-6 is located within a depressional area adjacent to a hedgerow in the corner of an agricultural field. This wetland is
located approximately 300 feet from Wetlands W-2, which is a jurisdictional wetland on the site, and 600 feet from an intermittent
stream that is contiguous with Wetlands W-2. Wetlands W-6 is approximately 15 feet higher in elevation than Wetlands W-2, and has
similar soils.
The aquatic resource XX is _ is not located completely within the project site.
The aquatic resource $\underline{\hspace{0.2cm}}$ is \underline{XX} is not connected to waters of the U.S. by $\underline{\hspace{0.2cm}}$ a surface channel
underground culvert other means (identify) by which water could flow between the two:
The aquatic resource is XX is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary
system.
Isolated, intra-state water #2 (Wetlands W-7)
The NJD aquatic resources on site consist of (check as many as are appropriate):
Pond Lake Stream XX Wetlands* Tidal Waters Other (identify type):
* If wetlands are present, indicate Cowardin classification: PEM
Acres of this NJD aquatic resource within property: 0.190
Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest
waters of the U.S., differences in vegetative communities, soil types or hydrologic features):
Wetlands W-7 is located within a depressional area within an agricultural field. This wetland is located approximately 250 feet from
Wetlands W-2, which is a jurisdictional wetland on the site, and 800 feet from an intermittent stream that is contiguous with Wetlands
W-2. Wetlands W-7 is approximately 10 feet higher in elevation than Wetlands W-2, and has similar soils.
The aquatic resource XX is is not located completely within the project site.
The aquatie resource $\underline{}$ is \underline{XX} is not connected to waters of the U.S. by $\underline{}$ a surface channel
underground culvert other means (identify) by which water could flow between the two:
The aquatic resource is XX is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary

CENAN-OP-R APPLICATION NO. 2004-00894

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:		New York District												
FILE NUMBER:				2004-01158										
DATE OF DETERMINATI	ON:				June 30, 2005									
PROJECT REVIEW/DETE	RMINAT	ION COM	IPLETED);	In the	office (Y/N))	N	Date:					
			At the (Y/N)	project site		Y	Date: November 18, 2005							
PROJECT LOCATION INI	FORMAT	ION:												
State:						New Y	'ork							
County: Columbia														
Center coordinates of site by latitude & longitude eoordinates: lat:42-14-48.0120 lon:73-38-31.9920														
Approximate size of sit	te/property	y (including	g uplands)	in in	acres	69.36								
Name of waterway or watershed: Unnamed Tributary														
Type of Aquatic Resource ¹ :	0-1 ae	1-3 ae	3-5 ae	5-	-10 ac	10-25 ae	25-	50 ae	> 50 ac	Linear Feet	Unknown			
Lake														
River														
Stream														
Mudflat								····						
Sandflat														
Wetlands	0.293													
Slough														
Prairie Pothole														
Wet Meadow														
Playa Lake														
Vernal Pool														
Natural Pond														
Other Water (identify type)														
¹ Check appropriate boxes tha non-jurisdictional aquatic res	t best desc ource area	cribe type (of isolated	I, no	on-navig:	able, intra-st	ate w	vater pr	esent and be	est estimate	for size of			
Migratory Bird Rule Factors				lf K	nown				If Unknow	'n				
							U	se Best	Professiona	ıl Judgment				
				es	No	Predicte to Occ				Not Able to Make Determination				
Is or would be used as habita Migratory Bird Treaties?	t for birds	s protected	by X	ζ										
Is or would be used as habita birds that cross state lines?	t by other	migratory	Х	ζ										
Is or would be used as habita species?	t for enda	ngered							X					
Is used to irrigate crops sold	in intersta	ite commer	ce?		X									
¹ Check appropriate boxes that jurisdictional, isolated, non-no						f the Migrat	tory I	3ird Ru	le to apply	to onsite, n	on-			

TYPE OF DETERMINATION: Preliminary Or Approved X

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

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1. Site Conditions:							
Total acreage of site: 69.36							
The jurisdictional waters on site consist of (check as many as are appropriate):							
Pond Lake _X_ Stream _X_ Wetlands* Tidal Waters Other (identify type):							
* If wetlands are present, indicate Cowardin classification: _PFO/PSS/PEM							
Total acres of jurisdictional waters on site: _2.97							
Position of jurisdictional waters in landscape and watershed:							
Wetlands on west portion of the property drain to summit Lake. Wetlands on the east portion of the property drain to an unnamed							
tributary to Agawamuck Creek. Drainage from these water bodies ultimately discharge to the Hudson River, a navigable waterway.							
Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): Surrounding land use includes a mix of							
residential development (Phase 1 of Summit Heights), Summit Lake, and undeveloped forested land.							
2. Rationale Used To Determine NJD:							
Isolated, intra-state water # 1							
The NJD aquatic resources on site eonsist of (eheck as many as are appropriate):							
Pond Lake _X (Ephemeral)_ Stream _X_ Wetlands* Tidal Waters Other (identify type):							
* If wetlands are present, indicate Cowardin classification: _PEM and PFO							
Acres of this NJD aquatic resource within property: _0.293							
Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):							
Wetland 6 and 9 are connected via Ephemeral Stream 3. Wetland 6 has developed within a rough graded road. Ephemeral Stream 3							
drains west out of Wetland 6 into Wetland 9. Wetland 9 has no discernable outlet. Upland soils and vegetation encompass Wetland 9.							
The nearest jurisdictional waters of the United States to these waters is Wetland 10 which is located approximately 125 feet southwest							
of Wetland 9.							
The aquatic resource X is is not located completely within the project site.							
The aquatic resource $\underline{}$ is $\underline{}$ is not connected to waters of the U.S. by $\underline{}$ a surface channel							
underground culvert other means (identify) by which water could flow between the two:							
The aquatic resourceis _X_ is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary							
system.							

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING

	CORPS OF ENGINEERS	
]	FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S.	S. ARMY

DISTRICT OFFICE: New York District

FILE NUMBER: 2005-00022

DATE OF DETERMINATION: June 30, 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) Date:

> At the project site Date: April 8. 2005

(Y/N)

PROJECT LOCATION INFORMATION:

New York State: Schenectady County:

lat:42-46-9.0120 ion:74-7-42.9960 Center coordinates of site by latitude & longitude coordinates:

Approximate size of site/property (including uplands) in acres 54.60

Unnamed Tributary Name of waterway or watershed:

rianne or manermay or							,		
Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands			4.54						
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool	0.19								
Natural Pond									
Other Water (identify type)									-

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment			
	Yes	No	Predicted to Oceur	Not Expected to Occur	Not Able to Make Determination	
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X			
Is or would be used as habitat by other migratory birds that cross state lines?			Х			
Is or would be used as habitat for endangered species?			X			
Is used to irrigate crops sold in interstate commerce?		Х				

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, nonjurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Or Approved X Preliminary

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

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ADDITIONAL INFORMATION SUPPORTING NJD

system.

1. Site Conditions:
Total acreage of site: _54.60
The jurisdictional waters on site consist of (check as many as are appropriate):
Pond Lake _X_ Stream _X_ Wetlands* Tidal Waters Other (identify type):
* If wetlands are present, indicate Cowardin classification: _PFO/PSS
Total acres of jurisdictional waters on site:4.17
Position of jurisdictional waters in landscape and watershed:
_Wetlands on the site drain to unnamed tributaries to the Normans Kill, which ultimately discharges into the Hudson River, a navigable
waterway.
Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): _The site is comprised of forested and
scrub-shrub uplands and wetlands. Some sections of the property have been logged within the past year. A stone quarry is present
within the eastern portion of the site.
2. Rationale Used To Determine NJD:
Isolated, intra-state water # 1
The NJD aquatic resources on site consist of (check as many as are appropriate):
Pond Lake Stream _X_ Wetlands* Tidal Waters Other (identify type):
* If wetlands are present, indicate Cowardin classification: _PFO
Acres of this NJD aquatic resource within property: _0.69
Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest
waters of the U.S., differences in vegetative communities, soil types or hydrologic features):
_Wetland 2 is approximately 700 feet from the Normans Kill. No connection between Wetland 2 and the Normans Kill or other waters
of the United States was observed. Upland Vegetation and soils encompass Wetland 2. An upland break separates Wetland 2 from
Wetland 3.
The aquatic resource is _X_ is not located completely within the project site.
The aquatic resource is _X_ is not connected to waters of the U.S. by a surface channel
underground culvert other means (identify) by which water could flow between the two:
The aquatic resource is _X_ is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary
system.
Isolated, intra-state water # 2
The NJD aquatic resources on site consist of (check as many as are appropriate):
Pond Lake Stream _X_Wetlands* Tidal Waters Other (identify type):
* If wetlands are present, indicate Cowardin classification: _PFO
Acres of this NJD aquatic resource within property: _3.46
Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):
Wetland 1 is approximately 600 feet from the Normans Kill. No connection between Wetland 3 and the Normans Kill or other waters
of the United States was observed. Upland Vegetation and soils encompass Wetland 3. An upland break separates Wetland 3 from
Wetlands 1 and 2.
The aquatic resource X is is not located completely within the project sitc.
The aquatic resource is _X_ is not connected to waters of the U.S. by a surface channel
underground culvert other means (identify) by which water could flow between the two:
The aquatic resource is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary

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Isolated, intra-state water # 3
The NJD aquatic resources on site consist of (check as many as are appropriate):
Pond Lake Stream _X_ Wetlands* Tidal Waters Other (identify type):
* If wetlands are present, indicate Cowardin classification: _PSS
Acres of this NJD aquatic resource within property: _0.39
Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):
Wetland 5 is approximately 475 feet from the Normans Kill. No connection between Wetland 5 and the Normans Kill or other water of the United States was observed. Upland vegetation and soils encompass Wetland 5. An upland break separates Wetland 5 from Wetland 4. Wetland 5 drains into a barrow pit which appears to be associated with the construction of the Delaware and Hudson Railroad. No wetland areas, watercourses or other connections to the Normans Kill were observed in this area.
The aquatic resource X is is not located completely within the project site.
The aquatic resource is _X_ is not connected to waters of the U.S. by a surface channel
_ underground culvert _ other means (identify) by which water could flow between the two:
The aquatic resource is _X_ is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributar
system.
Isolated, intra-state water #s 4 and 5 The NJD aquatic resources on site consist of (check as many as are appropriate): Pond Lake Stream Wetlands* Tidal Waters _X_ Other (identify type): Vernal pool * If wetlands are present, indicate Cowardin classification: _PSS Acres of this NJD aquatic resource within property:0.06 and 0.13 Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in clevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features): _Wetlands 6 and 7 are small depressional wetlands that appear to function as vernal pools. Non-hydric soils and upland vegetation encompass both areas. No discernable inlet or outlet was observed within either area. Wetlands 6 and 7 are approximately 150 and 500 feet, respectively, from the nearest waters of the United States. The aquatic resource _X is is not located completely within the project site. The aquatic resource _ is _X_ is not connected to waters of the U.S. by a surface channel
_ underground culvert _ other means (identify) by which water could flow between the two: The aquatic resource _ is _X_ is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary
system.
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